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14 UNITED STATES DISTRICT COURT
15
16 NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18 CISCO SYSTEMS, INC.,

19 Plaintiff,

20 v.

21 ARISTA NETWORKS, INC.,

22 Defendant.

Case No. 5:14-cv-05344-BLF (PSG)

**DEFENDANT ARISTA NETWORK,
INC.'S OBJECTIONS TO
SUPPLEMENTAL INTRINSIC
EVIDENCE RE CLAIM CONSTRUCTION
(DKT. NO. 234) SUBMITTED BY
PLAINTIFF CISCO SYSTEMS, INC.**

Claim Construction Hearing of April 8, 2016

Judge: Hon. Beth Labson Freeman

Date Filed: December 5, 2014

Trial Date: November 21, 2016

1 Arista hereby objects to Cisco's untimely submission of Supplemental Intrinsic Evidence
 2 re Claim Construction (Dkt No. 234). Cisco's submission consists of Arista's Petitions for Inter
 3 Partes Review, as well as the expert declarations that accompanied those petitions. Arista filed its
 4 IPR petitions on November 4 and November 24, respectively, weeks before Cisco completed its
 5 Claim Construction Briefing. If Cisco believed this evidence was relevant, it could have submitted
 6 and cited it as part of its Reply Claim Construction Brief, filed on December 21. Instead, Cisco
 7 submitted these materials to the Court on April 1, more than four months after Arista filed its IPR
 8 petitions.¹

9 Moreover, unlike Arista, which amended the Joint Claim Construction Chart with specific
 10 page citations to IPR materials (Dkt. No. 216 at 5–6), Cisco failed to provide any such citations, as
 11 required by the Local Rules. *See* Patent Local Rule 4-2(b).

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 13 Dated: April 7, 2016

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 17 DAVID J. ROSEN

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 26 ¹ Arista, by contrast, timely submitted its Supplemental Intrinsic Evidence on March 9, shortly
 27 after Cisco filed its Patent Owner Preliminary Responses to Arista's IPR petitions. (Dkt. No.
 28 217). Cisco's responses were filed on February 18 and March 3, respectively, well after the
 completion of Claim Construction briefing.